

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KENNEATH TURNER-HARRIS,

Plaintiff,
v.

Case No. 20-cv-1815-pp

SUE DEHAAN, JOHN DOE STAFF 1-5
and JOHN DOE UNIT SUPERVISORS #1, #2 and #3,

Defendants.

**ORDER ENFORCING PREVIOUS ORDER AND DISMISSING CASE WITHOUT
PREJUDICE FOR PLAINTIFF'S FAILURE TO COMPLY WITH COURT
ORDERS AND DILIGENTLY PROSECUTE THIS CASE**

On November 8, 2022, the court granted the plaintiff's motion to reopen the case and granted the plaintiff an extension of time to identify the Doe defendants. Dkt. No. 22. The court denied the plaintiff's request to amend his complaint. Id. at 4-5. The court ordered the plaintiff to identify the Doe defendants by the end of the day on December 6, 2022. Id. at 5. The court advised that

[t]he plaintiff must send the court his motion to substitute the real names of the Doe defendants in time for the court to receive it by day's end on December 6, 2022. If the court does not receive the plaintiff's motion to substitute the real names of the Doe defendants, or a written explanation of why he is unable to identify them, by that deadline, the court will dismiss the case for the plaintiff's failure to prosecute it.

Id.

On November 28, 2022, the court received a document from the plaintiff titled "Motion for Production of Documents to Sue Dehaan." Dkt. No. 23. The

plaintiff addressed his motion to Sue DeHaan—the Director of the Wisconsin Resource Center against whom the court allowed the plaintiff to proceed for the limited purpose of helping him identify the names of the Doe defendants. Id.; Dkt. No. 12 at 16. The motion asked DeHann to “please identify the three unknown name supervisors who worked the WRC Unit November 28–30, 2019” and to “please identify the five unknown male/female staff members or guards who worked the WRC Unit” the same days. Dkt. No. 23.

On December 1, 2022, the court entered a text-only order reminding the plaintiff that it was his responsibility to “serve his discovery requests ‘on defendants’ counsel’ to get the information he needs to identify the Doe defendants.” Dkt. No. 24 (quoting Dkt. No. 17). The court noted that the plaintiff “did not serve defense counsel with his request and instead filed it with the court.” Id. As it had previously, the court advised the plaintiff “that he should not file discovery requests with the court.” Id. (bolding omitted). The court ordered that

[i]f the plaintiff wants to proceed with this case, he must comply with the court’s instructions and serve his discovery requests on defense counsel to obtain the information he needs to identify the Doe defendants. If the plaintiff fails to follow the court’s instructions and properly litigate this case, the court may dismiss the case.

Id.

The plaintiff’s December 6, 2022 deadline to identify the Doe defendants has passed. The plaintiff has not filed a motion to substitute the Doe placeholders with the defendants’ real names and has not asked for additional time to do so. The court’s December 1, 2022 minute order has not been

returned to the court as undeliverable and the plaintiff remains at the Racine Correctional Institution (where the court mailed the December 1, 2022 minute order and the November 8, 2022 order regarding naming the Doe defendants). Because the plaintiff has not complied with the court's orders or explained his failure to do so, the court will enforce the November 8, 2022 order and again dismiss the case. See Civil Local Rule 41(c) (E.D. Wis.) ("Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.").

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** under Civil L.R. 41(c) because the plaintiff has not complied with court orders and has not diligently prosecuted this case by identifying the Doe defendants. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 27th day of December, 2022.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge